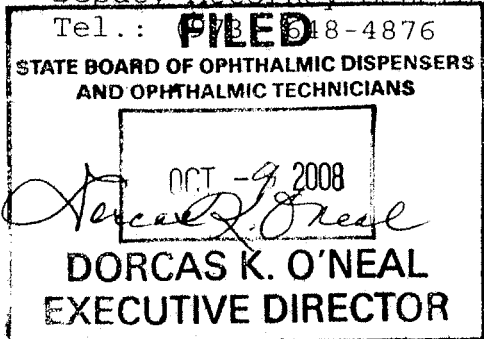Pd 10/07/08
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ck# 1320792 $3000.00

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Ophthalmic
Dispensers and Ophthalmic Technicians

By: Susan C. Berger
Deputy Attorney General
Tel.: **FILED** 8-4876

STATE BOARD OF OPHTHALMIC DISPENSERS
AND OPHTHALMIC TECHNICIANS

OCT -9 2008

DORCAS K. O'NEAL
EXECUTIVE DIRECTOR

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF OPHTHALMIC DISPENSERS AND
OPHTHALMIC TECHNICIANS

IN THE MATTER OF THE
SUSPENSION OR REVOCATION OF
THE LICENSE OF   :

                                        :   ADMINISTRATIVE ACTION

VICTOR CENTANNI   :
License No. 31TD00107700

                                        :   CONSENT ORDER

TO ENGAGE IN THE PRACTICE OF
OPHTHALMIC DISPENSING IN THE
STATE OF NEW JERSEY   :

_____

     This matter was opened to the New Jersey State Board of

Ophthalmic Dispensers and Ophthalmic Technicians (the "Board") upon

review of an inspection report from the Division of Consumer

Affairs, Enforcement Bureau which alleged that respondent, Victor

Centanni, failed to appropriately supervise an apprentice

ophthalmic dispenser at Costco Optical, 80 South River Road,

Hackensack, New Jersey, a premise without the minimum optical

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equipment for an apprentice and that respondent failed to include required information in patient records of prescriptions filled.

Respondent appeared pro se before a Committee of the Board on August 11, 2008 and testified that he is the optical manager at Costco Optical in Hackensack, that three additional ophthalmic dispensers work at the establishment and that he has worked at that location for approximately ten (10) years. Respondent testified that he was the preceptor for Jonathan Baran, an apprentice ophthalmic dispenser at Costco Optical, despite the lack of sufficient optical equipment at Costco Optical required for establishments where apprentices are registered. Respondent testified that there is a sign at the establishment stating that there is "no lab" on premises. Respondent further testified that Jonathan Baran was the only apprentice ophthalmic dispenser that had worked at Costco Optical since he was the manager. Respondent testified that he had not read the statutes and regulations pertaining to preceptors and was unaware of the responsibilities of a preceptor.

Respondent testified that although the initials "JB" referring to Jonathan Baran were on five (5) patient records of prescriptions filled, provided to the Board pursuant to a subpoena, respondent denied that Mr. Baran dispensed any glasses or contact lenses. Respondent asserted that the initials "JB" were on the patient records because Mr. Baran called the patients or "wrote up" the orders in the computer. Respondent testified that he dispensed

glasses or contact lenses to several of the patients and admitted that he failed to initial the records and failed to require other licensed ophthalmic dispensers at Costco Optical to initial or identify the work that they had performed.

Having reviewed the entire record, including the inspection report, patient records and respondent's testimony, the Board found that respondent failed to maintain appropriate patient records, in violation of N.J.A.C. 13:33-5.1 and failed to properly supervise and instruct an apprentice ophthalmic dispenser, in violation of N.J.A.C. 13:33-1.5.

It appearing that the parties desire to resolve this matter without recourse to formal proceedings, and respondent waiving any right to a hearing and for good cause shown,

IT IS ON THIS _____ DAY OF _____ , 2008

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall immediately cease and desist from failing to identify, by means of name or initials, his name when he is the individual involved in interpreting and measuring, duplicating, fabricating, verifying and fitting and adjusting all eyeglasses, frames and lenses fabricated and dispensed at each establishment in which he engages in ophthalmic dispensing, in violation of N.J.A.C. 13:33-5.1. Respondent as the manager shall additionally ensure that all personnel appropriately identify themselves in accordance with N.J.A.C. 13:33-5.3.

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2. Respondent shall immediately cease and desist from supervising any apprentice ophthalmic dispenser in any establishment without the minimum optical equipment listed in N.J.A.C. 13:33-3.5.

3. Respondent is reprimanded for failing to include all required information in patient records of prescriptions filled.

4. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22 and 45:1-25, in the amount of $3,000.00 for failing to identify each record of prescription that he filled, in violation of N.J.A.C. 13:33-5.1. The civil penalty of $3,000.00 shall be paid simultaneously with the signing of the within order. Payment of the civil penalty shall be submitted by certified check or money order made payable to the State of New Jersey and sent to Dorcas O'Neal, Executive Director, New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians, P.O. Box 45011, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

5. Respondent shall pay costs of investigation, pursuant to N.J.S.A. 45:1-25(d) in the amount of $2,167.20. The costs shall be paid simultaneously with the signing of the within order. Payment of the costs shall be submitted by certified check or money order made payable to the State of New Jersey and sent to Dorcas O'Neal, Executive Director, New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians, P.O. Box 45011, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

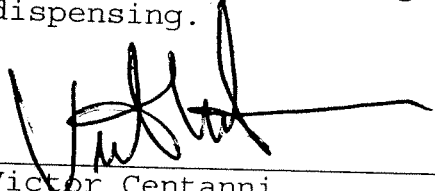6. Failure to remit any payment as required by this Consent

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Order will result in the filing of a Certificate of Debt, and such collection and other proceedings as permitted by law. Failure to comply with any provision of this Order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF OPHTHALMIC
DISPENSERS AND OPHTHALMIC TECHNICIANS

By: _____
Linda Cohen, President

I have read and I understand
this Consent Order and agree to
be bound by its terms. I consent
to the entry of this Order and to
read the New Jersey statutes and
regulations pertaining to ophthalmic
dispensing.

_____
Victor Centanni